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10/043,670	01/11/2002	Manfred Spies	101769- /tesa AG 1512-KG	8372

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EXAMINER

ZIRKER, DANIEL R

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	Examiner	Group Art Unit	

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 14-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-16, 19, and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, in claim 14 the words "low" or "high" ammonia lattices are believed to be unduly vague and indefinite, as is "different" (virtually any chemical composition is "different" when one considers the molecular level) and "types" in claim 15. Claims 16 and 19 should have proper Markush language. In claim 27, line 3, "substance" is unduly vague and indefinite, i.e. perhaps --substrate-- would be more suitable.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 14-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Hendricks or Tamburro. The references each disclose (note particularly Hendricks, column 1 lines 22-29, Example II, column 11 lines 42-53, column 12 lines 23-29; Tamburro, column 2 lines 34-45, claims 1 and 2) a genus of pressure sensitive adhesive tapes which while they do not appear to teach the product-by-process limitation set forth in applicants' independent claim 1 do teach the presence of a styrene-butadiene copolymer having a butadiene content of more than 55% blended with a natural rubber ingredient. Furthermore, with respect to the product-by-process limitations involving coating the composition onto the backing, these have not as yet been shown to form a resulting adhesive composition that is patentably distinct from those set forth in the reference. Note also that Hendricks expressly teaches pressure sensitive adhesive compositions having desirable cohesive properties and that each of the styrene-butadiene copolymers taught by the references contain significantly more than 55% of butadiene content. With respect to the dependent claims, it is believed that rubber latexes of the "low ammonia" or "high ammonia" are known to one of ordinary skill, and the utilization of either chemical cross-linking (claim 16) or physical cross-linking (claim 17) are each believed to be well known techniques to one of ordinary skill in the art. Note also that the Examiner further believes that

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carboxylated styrene-butadiene dispersions (claim 23) are believed to be commercially available products such as that applicants have utilized in each of their Examples. With respect to the method claims 26 and 27, these each involve only nominal method steps and are believed to be well known to one of ordinary skill in the art, as are the remaining parameters that are not either expressly or inherently disclosed.

5. Claims 1 and 14-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants' admissions in the specification, particularly on pages 1 and 2 taken in view of Korpman. Applicants appear to admit in their specification that the entire invention and all of its embodiments are well known to one of ordinary skill in the art except for the improvement of utilizing styrene-butadiene copolymer dispersions that have a butadiene content of more than 55% in a blend with natural rubber latex to form an adhesive tape having a "cohesive adhesive composition". Korpman, however discloses (note particularly the Abstract, column 1 line 32 - column 2 line 3, column 2 lines 32-46, column 3 lines 30-34, column 5 lines 30-46, lines 69-70) the missing element that "low-styrene" synthetic copolymers of butadiene and styrene can be particularly desirable in forming pressure sensitive adhesive compositions that exhibit superior cohesive and adhesive properties as well as a variety of other desirable properties at a variety of temperature ranges and

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particular environments. Note that although the reference does not particularly focus on styrene-butadiene copolymers in rubber blends, the reference teaches (e.g. column 2 lines 37-46) that it has been well known to add such copolymers to natural rubber for improved performance and also that tackifiers may be either present or not present, which is the subject of applicants' former claim 13. Accordingly, one of ordinary skill in the art, aware of the present state of the art such as set forth in applicants' admissions on page 1 and 2 of the specification would have more than an ample amount of motivation to incorporate the low-styrene butadiene-styrene copolymers taught by Korpman in view of their highly desirable properties in many environments and thereby either form, or clearly render obvious the claimed genus of articles and accompanying methods. What other parameters that are not either expressly or inherently disclosed are again each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

6. The Examiner has been unable to obtain a copy of EP 95108577 cited at page 2, line 16 of the specification, and questions whether or not this is the proper number of the citation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner

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can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

May 8, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~
1700

Daniel Zirker